

# **3 FAM 3750 TRAVEL OF CHILDREN OF SEPARATED FAMILIES**

## **3 FAM 3751 PURPOSE**

*(TL:PER-320; 8-8-96)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)*

*(Applies to Foreign Service Only)*

This section provides the legal and regulatory basis for payment of one round-trip per year to enable each child below age 21 of a member of the Foreign Service stationed abroad to visit his or her parent(s).

## **3 FAM 3752 AUTHORITY**

*(TL:PER-320; 8-8-96)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)*

*(Applies to Foreign Service Only)*

Section 901(15) of the Foreign Service Act of 1980 provides for:

"1 round-trip per year for each child below age 21 of a member of the Service assigned abroad—

(A) To visit the member abroad if the child does not regularly reside with the member and the member is not receiving an education allowance or educational travel allowance for the child under section 5924(4) of title 5, United States Code; or

(B) To visit the other parent of the child if the other parent resides in a country other than the country to which the member is assigned and the child regularly resides with the member and does not regularly attend school in the country in which the other parent resides, except;

that a payment under this section may not exceed the cost of round-trip travel between the post to which the member is assigned and the port of entry in the contiguous 48 States which is nearest to that post."

## **3 FAM 3753 ELIGIBILITY FOR TRAVEL**

### **3 FAM 3753.1 Children Eligible**

*(TL:PER-320; 8-8-96)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)*

*(Applies to Foreign Service Only)*

Eligibility for this travel extends to natural children, stepchildren and adopted children under the age of 21. Accordingly,

- Natural children, stepchildren and adopted children of a Foreign Service member when not residing with the member at post, are authorized visitation travel to post under section 3 FAM 3752 and section 901(15)(A) of the Foreign Service Act of 1980.
- Natural children, stepchildren and adopted children of a Foreign Service employee who are living with the member at post are authorized visitation travel to visit the other parent under section 3 FAM 3752 and section 901(15)(B) of the Foreign Service Act of 1980.
- Stepchildren are eligible for visitation travel only if the spouse parent (whether adoptive or natural) is residing at post with the Foreign Service member.

### **3 FAM 3753.2 Tandem Couples**

*(TL:PER-320; 8-8-96)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)*

*(Applies to Foreign Service Only)*

a. If both parents of an eligible child are members of the Foreign Service with one posted in the United States and one posted abroad, the member assigned abroad initiates the request for travel as specified in 3 FAH-1 H-3750 .

b. When both parents are posted abroad, either member (not both) may request issuance of travel orders, but children are limited to one round-trip per year. Travel between points abroad is computed using travel costs from the post most distant from the United States to the nearest port of entry in the contiguous 48 States and applying, on a cost constructive basis, those costs to travel between the two locations abroad.

c. When the parent employees are from different agencies, either agency may issue the travel orders. Normally, the agency issuing the orders will bear the full cost of travel.

d. There may be situations where it would be appropriate for the two posts to negotiate a sharing of the costs, or for the posts to alternate responsibility for payment of the travel cost from one year to the next.

### **3 FAM 3753.3 Travel by Children Under Age 21 Who Are Ineligible for Educational Travel and Travel to Visit Separated Parents**

*(TL:PER-320; 8-8-96)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)*

*(Applies to Foreign Service Only)*

A dependent Foreign Service child as defined in section 3 FAM 3753.1 under age 21 who is neither eligible for an educational travel allowance nor for travel to visit separated parents, is authorized one round trip per year to a post abroad for purposes of visiting his or her parent(s) assigned abroad.

### **3 FAM 3753.4 Separate Maintenance Allowance**

*(TL:PER-320; 8-8-96)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)*

*(Applies to Foreign Service Only)*

The authorization for travel described in this subchapter does not apply to dependents of employees who receive a voluntary Separate Maintenance Allowance, or to dependents who are otherwise ineligible for visitation travel.

### **3 FAM 3754 REPAYMENT OF TRAVEL**

*(TL:PER-320; 8-8-96)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)*

*(Applies to Foreign Service Only)*

The member shall repay the travel and transportation expenses of a child's trip if it is subsequently determined that the child was ineligible to travel under the provisions of section 3 FAM 3753 . However, if after visitation travel has taken place, a member is unable to complete the required twelve-month qualifying period of service abroad because the employing agency:

- Transfers the employee to the United States at the option and benefit of the agency;
- Transfers the employee to the United States for compassionate reasons; or

- Separates the employee involuntarily;

The employee is not required to refund the cost of the travel.

### **3 FAM 3755 PROCEDURES AND GUIDELINES**

*(TL:PER-320; 8-8-96)*

*(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)*

*(Applies to Foreign Service Only)*

Procedures and guidelines which must be followed when implementing this subchapter are published in 3 FAH-1 H-3750 .

### **3 FAM 3756 THROUGH 3759 UNASSIGNED**